

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE: APPLICATION OF JSC BTA BANK :
FOR AN ORDER TO CONDUCT DISCOVERY : ORDER
FOR USE IN FOREIGN PROCEEDINGS : 21 Misc. 824 (GHW) (GWG)
-----X
GABRIEL W. GORENSTEIN, United States Magistrate Judge


JSC BTA Bank (“BTA”) applies pursuant to 28 U.S.C. § 1782 for an order authorizing BTA to issue and serve subpoenas duces tecum on The Clearing House Payments Company LLC and 13 banks.¹

Mr. Kislin’s Declaration states that BTA’s proposed subpoenas seek “documentary evidence concerning payment transactions,” specifically, “CHIPS and intermediary bank payment messages naming or referencing ‘Panolos,’ ‘Ablyazov,’ and ‘Khrapunov’” that took place between July 20, 2011 and the present. Kislin Decl. ¶ 59. However, the proposed subpoenas attached to BTA’s Application seek “all documents, communications, correspondence, or information relating to transactions” involving, or accounts maintained by, “any entity named ‘Panolos’ or containing ‘Panolos’ in the entity name,” App., Exhibits A1-A4. The proposed subpoenas do not mention “Ablyazov” or “Khrapunov” at all, nor do they contain the July 20, 2011 date restriction. See id. Finally, they do not specifically state, as is claimed in the Declaration, that in the alternative the period at issue is “the Discovery Targets’ applicable document and/or information retention period.” Kislin Decl. ¶ 59.

Accordingly, BTA shall file a letter explaining the reason for these discrepancies on or before December 2, 2021.

SO ORDERED.

Dated: November 18, 2021
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge

¹ Ex Parte Application of JSC BTA Bank for Judicial Assistance Pursuant to 28 U.S.C. § 1782, filed Nov. 17, 2021 (Docket # 4) (“App.”); Declaration of Jason Kislin, filed Nov. 17, 2021 (Docket # 5) (“Kislin Decl.”).

The 13 banks are Bank of America, N.A.; Bank of China; The Bank of New York Mellon; BNP Paribas USA; Citibank, N.A.; Commerzbank AG; Deutsche Bank Trust Company Americas; HSBC Bank USA, N.A.; JP Morgan Chase Bank, N.A.; Societe Generale; Standard Chartered Bank; UBS AG; and Wells Fargo Bank, N.A. See App. at 2.